

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA §
 §
v. § No. 1:22-CR-57
 §
FRANKIE MALIK CUNNINGHAM §

FIRST AMENDED NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 922(n).

Penalty: Imprisonment of not more than ten (10) years, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both imprisonment and a fine; and a term of supervised release of not more than three (3) years.

Special Assessment: \$ 100.00

Count Two

Violation: 18 U.S.C. § 922(o)(1) and 924(a)(2).

Penalty: Imprisonment of not more than ten (10) years, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both imprisonment and a fine; and a term of supervised release of not more than three (3) years.

Special Assessment: \$ 100.00

Count Three

Violation: 18 U.S.C. § 924(c)

Penalty: Possession of a Firearm in Furtherance of a Drug Trafficking Crime

Imprisonment of not less than five (5) years or more than life, unless the firearm is brandished, in which case the minimum is seven (7) years, or unless the firearm is discharged, in which case the minimum sentence is ten (10) years, which must be served consecutively to any

other term of imprisonment, a fine not to exceed \$250,000.00, or both; and supervised release of not more than five (5) years.


If the firearm possessed is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the minimum sentence is ten (10) years, which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000.00, or both; and supervised release of not more than five (5) years.

In the case of a second or subsequent conviction, that occurred after a prior conviction, imprisonment of not less than twenty-five (25) years which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000.00, or both; and supervised release of not more than five (5) years.

Special Assessment: \$100.00

Respectfully submitted,


BRIT FEATHERSTON
UNITED STATES ATTORNEY



Tommy L. Coleman
Special Assistant United States Attorney
Eastern District of Texas
Texas Bar No: 24034383
550 Fannin St. Suite 1250
Beaumont, Texas 77701
Telephone: (409) 839-2538
Facsimile: (409) 839-2550
Email: tommy.coleman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered to the attorney(s) of record in this case, via the U.S. District Court's ECF system of electronic filing on this 3rd day of November, 2022.



Tommy L. Coleman